THE STATE BAR OF ARIZONA'S

LEGAL RESOURCE

GUIDE

This Legal Resource Guide contains quick legal tips, as well as information on how to work well with an attorney and how the State Bar can help you. It's all part of the Bar's ongoing commitment to public service. Lawyers have always been in the business of helping people. Lawyers are educated, tested and continuously trained to provide expert assistance. The legal profession's tradition of public service dates back to the founding of our country. A lawyer – Thomas Jefferson – wrote our Declaration of Independence. Joining him in signing it were 24 other lawyers. Attorney James Madison drafted the U.S. Constitution with the assistance of 30 other lawyers. And 25 of our 43 presidents have been lawyers. Still today, lawyers give unselfishly of

their time and talents. Like many of you, lawyers serve in civic and charitable organizations, within their places of worship, on school boards and in other voluntary positions. As you can tell, I'm proud to be a part of the legal profession and proud to present this legal guide. We hope that you find it useful. Your comments and suggestions regarding this guide or how the State Bar can otherwise help

you are welcome. E-mail me at resourceguide@azbar.org.

Charles W. Wirken
State Bar President







Each day in Arizona, lawyers make a difference in people's lives. Lawyers help business owners, write wills, prosecute criminals, review contracts, fight for people's rights, help people adopt children, and so much more.

Some attorneys do their best work in a courtroom, while others never set foot inside one. What matters most is that lawyers come with many skills that can help you, when you need it most.

EXPERT ADVISERS

As an expert adviser, an attorney is an

excellent partner who can help prevent legal troubles. Consult an attorney as you plan for the future. This might involve drafting a will or appointing someone to execute your wishes for medical treatment. A small-business owner may need assistance setting up the correct legal partnership, drafting contracts, or negotiating the lease or purchase of office space.

PROBLEM SOLVERS

When you boil it down, lawyers are professional problem solvers. When life's

problems are complex, lawyers are trained to evaluate your situation, understand your legal rights and responsibilities, and then develop a plan to help you through

PROTECTING YOUR RIGHTS

An attorney will make sure your rights are protected. Whether it's a family dispute, motor vehicle accident, civil lawsuit or criminal charges, you want to make sure you receive all the protections under the law. An attorney will represent you and look out for your best interest.

HOW TO HIRE A LAWYER

Most people don't have much experience hiring an attorney. Here are some tips that can help:

- ▲ Ask friends, co-workers or professionals you know if they can recommend a lawyer who has experience with your type of legal
- ▲ Search for attorneys using the "Find a lawyer" section of the State Bar Web site, azbar.org.
- ▲ Visit with several lawyers so you can compare services and fees. Assess your comfort level with each other.
- ▲ You may wish to consult a lawyer referral service: Maricopa County Bar: 602-257-4434 Pima County Bar: 520-623-4625
- ▲ Before hiring an attorney, contact the State Bar to check that attorney's status and public disciplinary record, if any.

CERTIFIED LEGAL SPECIALISTS

When selecting an attorney, you may wish to consider hiring a State Bar-certified legal specialist. Certified specialists must:

- ▲ Pass a written examination
- ▲ Successfully complete peer review
- ▲ Devote at least 50 percent of their full-time practice to the specialty area
- ▲ Be admitted to the practice of law for at least five years

You can find a list of certified specialists on the State Bar's Web site, azbar.org, in the following areas of law:

- ▲ Bankruptcy law
- ▲ Criminal law
- ▲ Estate and trust law ▲ Tax law
- ▲ Real estate law
- ▲ Family law
- ▲ Workers' compensation law

▲ Injury and wrongful death litigation



ETHICS AND INTEGRITY

Keeping a profession's standards high

BY ROBERT VAN WYCK, Chief Bar Counsel

When a new lawyer graduates, he or she has just passed through a rigorous process. Each new graduate has confronted and mastered complex material, and has embarked on a career of service to clients that will require the most from his or her intellect and passion.

As practicing lawyers, though, the learning continues. Part of a regulated profession, attorneys must continuously meet standards designed to protect the public and the justice system. Lawyers must take continuing legal education each year to stay up-to-date with the law and enhance their ability to represent clients. They're also required to attend a professionalism course.

In these and other ways, the State Bar of Arizona holds all Arizona lawyers to the highest standards for the legal profession. Our Lawyer Regulation Department enforces the Rules of Professional Conduct, established by the Arizona Supreme Court; that code of ethics makes sure attorneys serve the best interest of

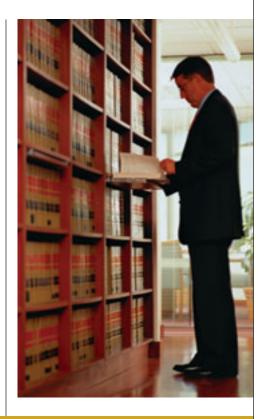
their clients and the justice system.

The overwhelming majority of lawyers are knowledgeable professionals with the highest integrity. However, when one of our colleagues falls short of our professional standards, you can turn to the State Bar to help resolve problems with your attorney:

- ▲ We can discipline lawyers who harm clients by violating the ethical rules.
- ▲ Our diversion programs better educate lawyers so they can improve their service
- ▲ Our Client Protection Fund and Fee Arbitration programs (explained below) assist clients who have concerns about lawyer fees.

So when you hire an Arizona attorney, you can be assured that each attorney is accountable to the State Bar and that consumers have a place to turn for legal information and dispute resolution.

For more information, visit <u>azbar.org/workingwithlawyers/menu.cfm</u> or call 602-340-7280.



YOUR FIRST RESOURCE

If you cannot resolve a problem with your lawyer, turn first to our Attorney/Consumer Assistance Program.

Many conflicts arise from minor issues, such as poor communication or retrieving your files. Our staff attorneys are trained in dispute resolution and interpersonal communication, and will attempt to resolve disputes between you and your lawyer.

If there are serious issues or you believe your lawyer's conduct is unethical, you can submit a written inquiry, which becomes a public record. We review allegations and begin a formal investigation of serious matters.

Our investigations can lead to a wide variety of punitive actions, ranging from sending attorneys to education programs, to disbarment from the legal profession in Arizona.

The State Bar cannot give specific legal advice, but our Attorney/Consumer Assistance Program can provide basic legal information and help answer questions about working with an attorney. Call us first at 602-340-7280.

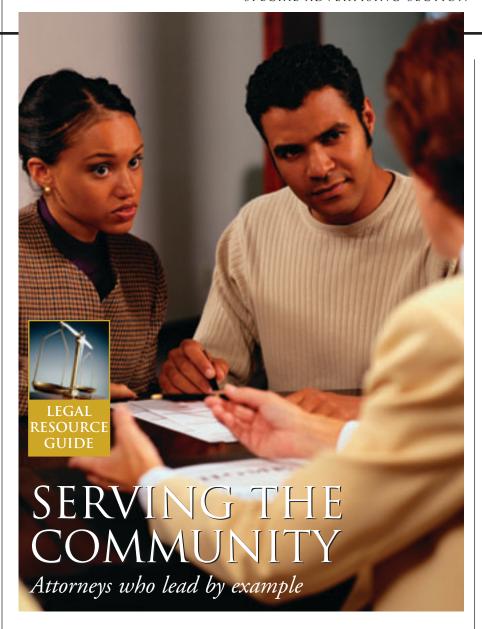
WHAT IF THERE'S A FEE DISPUTE?

Two State Bar programs can assist clients who have serious concerns with their lawyer's fees:

Clients who have had their money taken by a lawyer who hasn't performed any work may be eligible to receive compensation from the Bar's Client Protection Fund. Every Arizona lawyer pays money into this charitable fund each year to reimburse clients who lost money due to the unethical conduct of Arizona attorneys. Call 602-340-7286.

Our voluntary Fee Arbitration program helps resolve disputes over attorney fees. An independent arbitrator will help clients and attorneys reach a binding settlement. Call 602-340-7288.





In addition to serving their clients, attorneys work hard to serve the community. Many lawyers volunteer their professional services to help the people who need it most. Each year, attorneys donate tens of thousands of hours of free legal services in every county, statewide. Using their skills in service to others has a meaningful and lasting impact on everyone involved.

The following are some of the programs that offer free legal services to people in Arizona.

DOMESTIC VIOLENCE LEGAL ASSISTANCE

Coordinated by the Arizona Foundation for Legal Services & Education, the Arizona Domestic Violence Legal Assistance Project provides free legal assistance to victims of domestic violence and their families through three legal services programs and 14 domestic violence programs across Arizona.

The programs provide protection as well as tools for self-sufficiency to victims and their families. An order of protection may be obtained for immediate protection. Assistance with family law matters, such as divorce, paternity and custody, may help with long-term protection. Legal assistance on housing, consumer and other issues helps victims and their families become self-sufficient. Call 602-340-7235 for more information.

ELDER LAW HOTLINE

The elder law hotline is a service that provides free legal advice and information by tele-

phone to Arizona residents age 60 and older. Attorneys can provide free advice and information on a variety of subjects, including:

bankruptcy/ collection contracts family law health care home solicitation landlord/tenant matters living wills long-term care
government benefits
powers of attorney
real estate
small claims
Social Security
benefits
utilities
wills and probate

For more information, call 800-231-5441, or visit supreme.state.az.us/selfserv/elderlaw.htm.

ASSISTANCE FOR NONPROFIT COMMUNITY GROUPS

We're helping community-based nonprofit groups so they can focus on helping the communities they serve. Arizona Community Legal Assistance provides free legal assistance to new and existing charitable, community-based organizations. Lawyers help them with a variety of needs, including employment issues, preparation of policy manuals, general advice to boards, review of contracts or insurance policies, planned giving and real estate purchases.

For more information, contact the Volunteer Lawyers Program at 800-640-9465 or visit vlparizona.net/acla.htm.

VOLUNTEER LAWYERS PROGRAM

The Volunteer Lawyers Program unites those in need with volunteer attorneys whose generous counsel gives thousands of Arizonans new hope for a better life. Since 1981, the Volunteer Lawyers Program has been providing free legal services for low-income clients with civil legal matters. More than 1,000 attorneys volunteer their time and expertise. They can provide brief advice or direct representation with cases. Call 602-258-3434 or visit vlpmaricopa.org/vlp.

SOUTHERN ARIZONA LEGAL AID

Southern Arizona Legal Aid is a nonprofit organization. SALA attorneys provide a variety of free civil legal services to qualified low-income persons, including direct representation, providing brief advice, giving referrals and offering workshops on how to represent yourself in court. Call 800-640-9645 or visit sazlegalaid.org.

DNA-PEOPLE'S LEGAL SERVICES INC.

DNA-People's Legal Services Inc. is a non-profit law firm in which attorneys provide free legal services in civil matters to qualified low-income residents on and near the Navajo Nation. Eligibility is based on federal poverty guidelines. Call 928-871-4151 or visit dnalegalservices.org.

LAWYERS ON CALL

Arizona consumers needing free legal advice from expert attorneys can take advantage of Lawyers on Call, a partnership between the State Bar of Arizona and KPNX-TV, Channel 12, in Phoenix. Volunteer lawyers answer legal questions over the telephone on the first Friday of each month, with a specific legal topic designated for each call-in program. Call 602-340-7293 or visit azbar.org (select "lawyers helping you").

LEGAL ASSISTANCE FOR MILITARY PERSONNEL

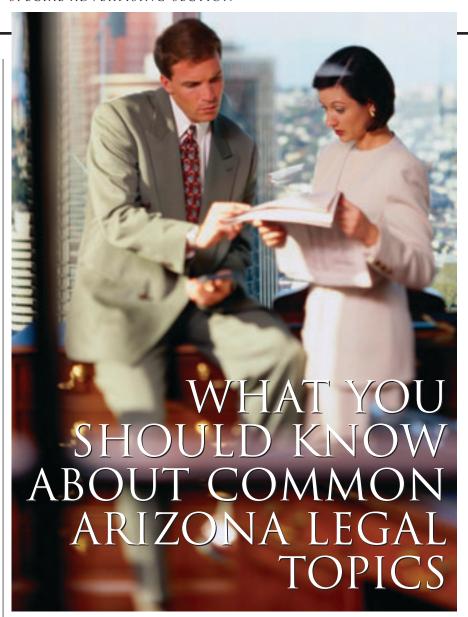
The State Bar of Arizona coordinates Arizona's Legal Assistance for Military Personnel program, a nationwide effort through which lawyers volunteer free legal services to help military reservists. Those serving our country and their families have many legal issues, including wills, powers of attorney, employment matters, landlord/tenant and financial issues. Call 602-340-7293.

WILLS FOR HEROES

The State Bar of Arizona's Young Lawyers Division coordinates "Wills for Heroes," a program through which attorneys provide free wills, powers of attorney, and advance medical directives for Arizona's firefighters, police officers and other emergency personnel. Call 602-340-7302.







Arizona lawyers help people and businesses every day on a vast array of legal needs. Three of the most typical areas in which we all have legal questions are family law, employment law, and wills and estates. We've provided some of the most common questions in those areas - and solutions from experts in the field.

FAMILY LAW

▲ Do I NEED GROUNDS TO FILE FOR DIVORCE?

The only ground for a divorce in Arizona is that the marriage is "irretrievably broken" with "no reasonable prospect for reconciliation." This is a "no-fault" state, which means that it is not necessary (and usually not even

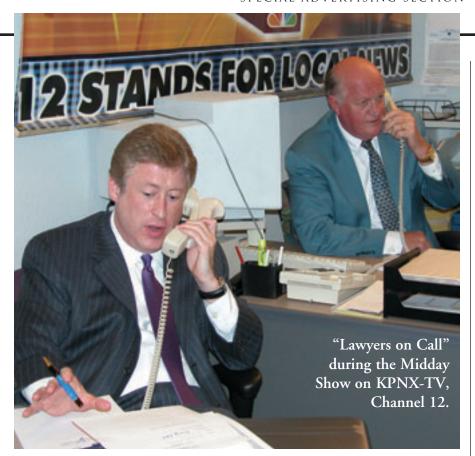
allowed) to say which person caused or wants the divorce.

▲ How long does a divorce Take?

The minimum waiting time for a divorce to be finalized is 60 days after the filing and service of divorce papers on your spouse. Many divorces take longer, especially if property, financial or children's issues are contested.

▲ WHAT IS COMMUNITY PROPERTY?

Arizona is a community property state. That means that all property and all debts acquired during the marriage are presumed owned by both parties together, regardless of in whose name the property is held. This



presumption ends when divorce papers are filed and served on the other party.

▲ How is property divided in a divorce?

Arizona law says that the property is divided "equitably," which usually means equally. After all the property is taken into account, the intent is that each party ends up with approximately half of the total property value, including all retirement and 401(k) accounts. It is important to have advice from a tax professional to understand the potential tax consequences caused by the property division.

▲ Am I liable for my spouse's debts if I didn't know about them?

Generally, yes. Debts incurred by one spouse during the marriage are considered community debt. This is true even if only one person's name is on the debt.

▲ How is child custody Handled?

There are two types of joint custody: "joint legal" and "joint physical" custody. Joint legal custody means that the children live with one

parent most of the time, but each parent has specific "parenting time" with them. Joint physical custody means an almost 50-50 division of the children's time between the parents' homes. In either type of custody, the parents are expected to communicate and confer regarding major decisions about the children, such as education, child care, and medical and religious decisions.

▲ How is child support calculated?

Arizona child support guidelines apportion support based on the income of each parent. Other factors such as the cost of day care and the children's health insurance are considered. These guidelines are online at supreme.state.az.us/dr/childsup/csg2004.pdf.

▲ IS THERE A BENEFIT TO BEING THE FIRST TO FILE FOR DIVORCE?

There is no legal significance as to who files first.

EMPLOYMENT LAW

▲ DO I HAVE A RIGHT TO MY JOB?

Employment in Arizona is "at-will"

unless you have a written contract. That means the employment may be ended at any time by either the employer or the employee, with or without cause.

▲ IS MY OWN WORK SPACE PRIVATE?

In general, employers have the right to review, monitor or have access to your work areas, computer system and files, email and Internet use, and voice mail at work.

▲ WHAT CAN BE TAKEN OUT OF MY PAYCHECK?

Other than regular governmental deductions, an employer cannot deduct money from your paycheck unless it is required by court order, you authorized the deduction in writing or there is a good faith dispute about the amount of wages due you.

▲ How can my employer act toward me?

Arizona and federal law prohibit discrimination, including harassment, on the basis of race, color, religion, sex, national or ethnic origin, pregnancy and disability.

▲ AM I PROTECTED IF I COMPLAIN ABOUT DISCRIMINATION?

Arizona and federal law prohibit retaliation for complaining about or opposing unlawful discrimination.

▲ CAN MY EMPLOYER MAKE ME TAKE A DRUG TEST?

Arizona regulates drug testing by statute, and under the statute, employers may adopt a drug and alcohol testing policy for applicants and/or employees.

▲ CAN MY EMPLOYER PAY PEOPLE OF DIFFERENT SEXES DIFFERENT SALARIES?

Arizona and federal law prohibit employers from paying an employee less than that paid to an employee of the opposite sex for jobs that require equal skill, effort and responsibility and are performed under similar working conditions.

WILLS AND ESTATE PLANNING

▲ WHAT SHOULD I DO FIRST WHEN SETTING MY AFFAIRS IN ORDER?

Relax. The process of making your will and other estate planning documents is going to entail making some decisions, coordinating with your advisers and signing documents. You will feel better once the documentation is in place to carry out your wishes.

▲ WHAT IS A HEALTH CARE POWER OF ATTORNEY AND LIVING WILL?

This document would (a) set forth your nomination of a person to make medical decisions on your behalf in the unlikely event that you were unable to do so for yourself; and (b) spell out your wishes regarding artificial life support.

▲ WHAT IS A DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS?

You can use this document to grant power and authority to a trusted family member or friend to handle your financial affairs in the event of your incapacity. This simple document can avoid costly and time-consuming court guardianship and conservatorship proceedings.

▲ WHAT AREAS DOES A WILL COVER?

It sets forth how you want your property distributed, nominates someone you trust to carry out your wishes, and designates guardians for your minor children.

▲ WHAT ELSE SHOULD I CONSIDER?

- Don't forget to update your IRA and 401(k) beneficiary designations. Consider the income tax consequences to the persons who may receive distributions from your IRAs or 401(k) plan in the event of your death.
- Make certain that your life insurance beneficiary designations reflect your current wishes.

- Consider any charitable, educational or religious institutions to which you want to make gifts. Leave a legacy.
- Get some good advice on how to take title to residences and

- other real estate perhaps make use of a beneficiary deed.
- Consider whether any amounts you are leaving to a minor, elderly, incapacitated or spendthrift beneficiary should be held in trust by someone else on their behalf.

STATE BAR OF ARIZONA



NEW BUILDING

In April 2005, the State Bar will move its Phoenix headquarters to 4201 N. 24th St., Suite 200. Located near 24th Street and Indian School Road, the new building provides an improved facility and more parking for the public, attorneys and staff.

WHAT'S ONLINE?

The State Bar of Arizona's public Web site offers a wealth of information in an easy-to-read format. Use the "find a lawyer" feature to search for attorneys by name, firm, practice area and more. Get tips on working with attorneys, find employment opportunities and read consumer brochures on a variety of

legal topics. All this and more is available at azbar.org.

STATE BAR LEGAL RESOURCE CONTACTS

Main number - 602-340-7239

Attorney/Consumer Assistance Program - 602-340-7280

Finding a lawyer - azbar.org

Checking a lawyer's background - 602-340-7239

Public information brochures and speakers bureau - 602-340-7293

E-mail: resourceguide@azbar.org

